

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
NOVEMBER 6, 2018**

ITEM 7

SUBJECT

CONSIDERATION OF A PROPOSED ORDER ON THE AMENDMENT TO THE STATEWIDE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES.

DISCUSSION

On April 1, 2014, the State Water Resources Control Board (State Water Board) adopted [Order 2014-0057-DWQ](#) for statewide regulation of storm water discharges associated with industrial activities (General Permit). The General Permit includes a reopener for the State Water Board to incorporate already-adopted TMDL implementation requirements through a future permit amendment (Sections VII.A.1 and XX.A of the General Permit).

State Water Board staff is proposing to amend the existing General Permit to: (1) incorporate permit requirements to implement TMDLs, (2) update monitoring requirements per the new U.S. EPA-approved Use of Sufficiently Sensitive Test Methods Rule, and (3) provide statewide Compliance Options that grant compliance with receiving water limitations, some discharge prohibitions, and most effluent limitations and excuse permittees from a variety of General Permit requirements, including the numeric action level (NAL) and Exceedance Response Action (ERA) requirements, in exchange for implementation of on-site and/or regional storm water capture best management practices.

The proposed TMDL-related implementation requirements (which include TMDL-specific numeric action levels and numeric effluent limitations) are applicable to discharges to water bodies for which industrial storm water waste load allocations have been assigned.

The proposed updated monitoring requirements to address the new U.S. EPA-approved Sufficiently Sensitive Methods Rule requires industrial storm water dischargers that are regulated by the General Permit to use analytical methods that detect and quantify pollutants at, or below, the applicable water quality criteria or permit limitations.

The proposed statewide Compliance Options provide all industrial storm water dischargers regulated by this General Permit additional optional avenues for compliance through:

- 1) On-site capture and use, and/or infiltration of industrial storm water discharges (and authorized non-storm water discharges), up to and including the 85th percentile 24-hour daily storm volume, or
- 2) Participation in agreements with local jurisdictions or other private entities to capture and use, and/or infiltrate industrial storm water discharges, up to and including the 85th percentile 24-hour daily storm volume, off-site as approved by the applicable Regional Water Quality Control Board.

POLICY ISSUE

Policy issues affiliated with the proposed General Permit Amendment include:

1. Increased cost of compliance
2. Feasibility of compliance with more stringent action levels and effluent limitations, and
3. Groundwater quality protection provisions related to the optional compliance options.

FISCAL IMPACT

Additional costs to dischargers for further treatment and management of industrial storm water for TMDL-specific pollutants. This may also increase the need for qualified storm water professionals (i.e. licensed engineers, and Qualified Industrial Storm Water Practitioners) to develop and implement plans for the purposes of TMDL implementation. The proposed regional compliance option, however, may financially assist adjacent municipalities through sharing costs with industrial storm water dischargers.

The newly required implementation of TMDL requirements for industrial facilities and the new incentives for on-site or regional storm water capture significantly increase the mandatory inspection, review and/or approval, and enforcement obligations on the Regional Water Boards.

REGIONAL BOARD IMPACT

Increased Regional Water Board staff resources at all offices will be needed to review additional TMDL-related requirements, and to conduct inspections of advanced treatment best management practices and site-specific compliance options.

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopts the proposed General Permit Amendment to incorporate TMDL implementation requirements, sufficiently sensitive methods, and statewide compliance options.

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| State Water Board action on this item will assist the Water Boards in reaching Goal(s) 1 and 3 of the Strategic Plan Update: 2008-2012 to narrative of goal(s). In particular, approval of this item will assist in fulfilling Objectives 1.2, 3.1, and 3.2. |
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